

Name: *Eduardo Hernandez*
Reg. No.: *84657 198*
California City Correctional Center
P.O.Box 3001-0001
California City, California 93504

FILED

2012 JAN 23 PM 3:26

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY *[Signature]* DEPUTY

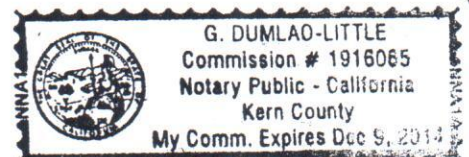
IN THE UNITED STATES DISTRICT COURT

United States of America)
Plaintiff,)
)
)
)
Vs.)
)
Eduardo Hernandez)
Defendant.)

Case No: *09CR2661GT*
MOTION FOR T - REDUCTION
BY AN INMATE IN FEDERAL
CUSTODY UNDER 28 U.S.C. §
2255.

COMES NOW, The Defendant "*Eduardo Hernandez* Propria Persona, requesting this Honorable Court for a time reduction based on the following grounds. Memorandum of points and Authorities established by this Motion, factual basis. Under the Attorney General Memorandum dated April 28, 1995, the United States Attorney General can offer up to two (2) points downward departure if defendant accept a final deportation order.

Because Defendant "*Eduardo Hernandez* cannot be housed in a minimum security facility, or community Correctional Center based on his deportation alien status, he asks this Honorable Court to take into consideration and possible grant Defendant a downward departure.



Both a United States Citizen and an alien inmate / resident live and comport by the same rules, policies and standard of such institution.

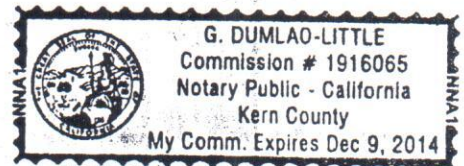
Therefore Defendant Mr. Eduardo Hernandez prays that the Honorable Court grant him all relief to which he may be entitled in this proceeding.

This Motion is submitted in good faith, and pursuant to V and XIV Amendment that guaranteed right protection of the United States of America Consitution.

Respectfully submitted,

Dated: 1-18-12

C.C.



FACTS OF DEFENDANT'S PRESENT
INCARCERATION

Defendant Eduardo Hernandez is currently in the custody of the United States Attorney General at California City Correctional Center, P.O.Box 3001-0001, California City, CA 93504.

On or about 6-14-09 Defendant Mr. Eduardo Hernandez was arrested and Indicted for Criminal charges. Mr. Eduardo Hernandez was Sentence in the United States District Court for the District of: San Diego to a term of 48 months and 3 year of Supervised Release.

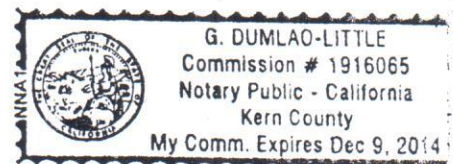
Reentry

THE DEFENDANT IS SEEKING RELIEF DUE TO THE FOLLOWING
POINTS AND AUTHORITIES

- (1) Equal Protection Right Pursuant to XIV Amendment to the United States Consitution.
- (2) Due Process, V Amendment.
- (3) Equal Right Act no person shall be discriminated, regardless of race, color, sex, religion, or Nationality.

A United States Citizen is entitled to different priviliges due to his or her origin like one (1) year reduction of sentence through a drug program three months half-way house to prepare to re-assimilate, a Unicorn job, with good wages and other benefits.

A alien is deprived of his benefits or privileges due to his or her status and find himself/ herself committed to harsher time, or sentence due his or her status in the United States of America.



RE: Stipulated Deportation Order and Pursuant to A.R.S. 41-1604.14

Any foreign born inmate who meets ALL eligibility criteria for release pursuant to A.R.S. 41-1604.14 must have a current deportation order prior to being release upon reaching one-half (1/2) of their imposed sentence.

41-1604.14 RELEASE OF PRISONERS with detainees; eligibility; revocation of release.

A. Notwithstanding any law to the contrary, the director may release a prisoner to the custody and control of the United States Immigration and Naturalization Service if all of the following

1. The department receives an order of deportation from the United States Immigration and Naturalization Service.
2. The prisoner has served at least one-half (1/2) of the sentence imposed by the court.
3. The prisoner was convicted of a class 3, 4, 5 or 6 felony offense.
4. The prisoner was not convicted of an offense under Title 13, Chapter 11, Section 13-1101 et seq.
5. The prisoner was not convicted of a sexual offense pursuant to A.R.S. 13-1404, 13-1405, 13-1406 or 13-1410.
6. The prisoner was not sentenced pursuant to 13-604.

B. If a prisoner who is released pursuant to this section returns illegally to the United States, upon notification from any federal or state law enforcement agency that the prisoner is in custody, the director shall revoke the prisoner's release. The prisoner shall not be eligible for parole, community supervision or any other release from confinement until the remainder of the sentence of imprisonment is served, except pursuant to A.R.S. 31-233, subsection A or B.
Added by Laws 1996, Ch. 257, subsection 10. Amended by Laws 1997, Ch. 212 subsection 14, eff. April 28, 1997.

I, Eduardo Hernandez, wish to obtain a deportation order, and submit this written request in order to obtain a stipulated deportation order. I have read the foregoing and understand the contents thereof; that the same is true of my own knowledge except those matters therein stated upon information and belief, are and as to those I believe them to be true.

I, RESPECTFULLY submit this request for a stipulated deportation order this 18 day of

Enera, 2012.

Affiant Signature: Eduardo Hernandez

Printed Name: _____

ASPC-CCA Diamondback Correctional Facility

CERTIFICATE OF SERVICE / OR MAILING

Case Name: *Eduardo Hernandez*

Case No: *09CR26615+*

I, the undersigned, hereby affirmed that on this ~~1-18-12~~ day of *Enero 2012*. I deposited in the receptacle for the United States mail provided at this Institution for inmates, first class pre-paid postage, in a sealed envelope and addressed to:

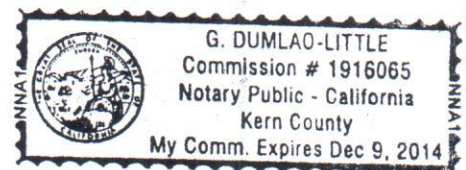
*UNITED STATES Distric Court.
880 FRONT Street Suite #4290
San Diego C.A 92101*

A true and correct copy of the attached document (s) identified as follows: *Motion For Time Reduction*

In accordance with Houston V. Lack 487 U.S. 266 (1988) these documents are deemed filed and served as of this date. Pursuant to 28 U.S.C. § 1746 (2). I further declare under the penalty of perjury that the foregoing is correct and true.

Dated: *1-18-12*

Eduardo H



CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS <div style="text-align: center; font-weight: bold;">UNITED STATES OF AMERICA</div> (b) County of Residence of First Listed Plaintiff _____ <div style="text-align: center;">(EXCEPT IN U.S. PLAINTIFF CASES)</div> (c) Attorney's (Firm Name, Address, and Telephone Number) CCA Eden Detention Center P.O. BOX 605 Eden, TX 76837	DEFENDANTS <div style="text-align: center; font-weight: bold;">EDUARDO HERNANDEZ</div> County of Residence of First Listed Defendant _____ <div style="text-align: center;">(IN U.S. PLAINTIFF CASES ONLY)</div> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) _____
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <div style="display: flex; justify-content: space-between;"> <div style="width:48%;"> <input type="checkbox"/> 1 U.S. Government Plaintiff </div> <div style="width:48%;"> <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width:48%;"> <input checked="" type="checkbox"/> 2 U.S. Government Defendant </div> <div style="width:48%;"> <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) </div> </div>	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) <div style="text-align: center;">(For Diversity Cases Only)</div> <table style="width:100%; border: none;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:47%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated <i>or</i> Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated <i>and</i> Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input checked="" type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN	(Place an "X" in One Box Only)	<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 USC 2255 Brief description of cause: MOTION TO VACATE
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions):	JUDGE _____	DOCKET NUMBER _____
DATE _____		SIGNATURE OF ATTORNEY OF RECORD _____	

FOR OFFICE USE ONLY			
RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____ MAG. JUDGE _____

Eduardo Hernandez
#84657 198
CCA Eden Detention Center
P.O. BOX 605
Eden TX 76837

ABILENE TX 796

19 JAN 2012 PM 1 L



United District Court
880 Front street suite #4290
San Diego CA 92101

CONFIDENTIAL

92101+4297

